

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application.

Disposition of Claims

Claims 1, 6, and 9-11 are currently pending in this application. Claims 1 and 11 are independent. The remaining claims depend, directly or indirectly, from claim 1.

Claim Amendments

Independent claims 1 and 11 have been amended to recite that the duration of validity is assigned based on a date and time that the broadcast program is to air on a broadcast medium. No new subject matter is added by way of these amendments. Support for these amendments may be found, for example, in paragraph [0031] of the Publication of the present application (U.S. Publication No. 2002/0112245).

Rejections under 35 U.S.C. § 103

Claims 1, 6, and 9-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,745,368 ("Boucher") in view of U.S. Patent No. 6,374,404 ("Brotz"), and further in view of U.S. Patent No. 6,629,138 ("Lambert") and U.S. Patent No. 6,289,358 ("Mattis"). To the extent that this rejection may apply to the amended claims, this rejection is respectfully traversed.

As an initial matter, Applicant notes that the Examiner has used a combination of *four* or more references in rejecting the claims of the present application. The purported reconstruction of the claimed invention by reliance on such a large number of references including, for

example, a method and system for storing documents on the Internet (Lambert), which has nothing to do with broadcast systems or storing broadcast programs in cache memory for quick use, is not proper. There is no suggestion or motivation that would enable one skilled in the art to turn to this combination of references to achieve the claimed invention. Recently, the Supreme Court issued its opinion on *KSR v. Teleflex*. *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727 (2007). Although finding the teaching-suggestion-motivation test too narrow to be applied in a determination test for obviousness, the court underscored the importance of viewing the obviousness through the eyes of one skilled in the art. Thus, even in view of *KSR Int'l Co. v. Teleflex, Inc.*, "[a]n obviousness determination is not the result of a rigid formula disassociated from the consideration of the facts of a case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not." *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727, 167 L.Ed.2d 705 (April 30, 2007). Clearly, the combination of references used by the Examiner to reject the claims of the present application is not a combination that one skilled in the art would turn to in arriving at the present invention.

It is abundantly clear that the Examiner, using the present application as a guide, has selected isolated features of the various relied-upon references to arrive at the limitations of the claimed invention. Use of the present application as a "road map" for selecting and combining prior art disclosures is wholly improper. See MPEP § 2143; *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1138 (Fed. Cir. 1985) (stating that "[t]he invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time"); *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992) (stating that "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious . . . This court has previously stated that 'one

cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.'"); *In re Wesslau*, 353 F.2d 238, 241 (C.C.P.A. 1965) (stating that "it is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art").

In view of the above, and in view of the amendments made to the independent claims to specifically recite that the information request is a request for a broadcast program, Applicant respectfully requests the Examiner to reconsider the combination of references used to reject the amended claims of the present invention.

Turning to the rejection of the claims, the independent claims have been amended to recite that the information request is a request for a broadcast program (e.g., a television program) duration of validity is assigned based on a date and time that the broadcast program is to air on a broadcast medium. See Publication of present application, US Publication No. 2002/0112245, paragraph [0031]. Thus, the duration of validity is not simply an arbitrary time limit on the validity of the broadcast program stored in cache, but rather, is based on when the broadcast program is to be shown on a broadcast medium, such as a television or radio. After the broadcast program is aired, the duration of validity expires because storing the broadcast program after the air date and time is not necessary. Applicants assert that none of Boucher, Brotz, Lambert, and Mattis teach or suggest the aforementioned limitation required by the amended claims.

Specifically, the Examiner admits that Boucher and Brotz fail to teach or suggest affixing a duration of validity to information stored in cache memory, where the duration of validity is a

period of time during which the information is valid (*see* Office Action mailed July 13, 2007, pages 3-4). It logically follows that both Boucher and Brotz fail to teach or suggest that the duration of validity is based on a date and time that the broadcast program is aired on a broadcast medium.

Further, Lambert and Mattis fail to supply that which Boucher and Brotz lack. Lambert is relied upon solely for the purpose of teaching that the duration of validity is based on the content of the information and that an identifier is affixed to the updated content before it is stored in the cache (*see* Office Action mailed July 13, 2007, pages 4-5). However, the cited portion of Lambert teaches how often an object changes (*i.e.*, the lifetime of an object) (*see* Lambert, col. 32, ll. 7-10 and 49-57). Lambert is not, in any way, related to broadcast programs or durations of validity that are based on an air date of broadcast programs. Thus, it is not possible for Lambert to teach or suggest a duration of validity based on an air date and time of a broadcast program stored in the cache.

Finally, Mattis fails to supply that which Boucher, Brotz, and Lambert lack, as evidenced by the fact that Mattis is relied upon by the Examiner solely for the purpose of teaching that the identifier used to perform the search for the information request in the cache is a digital signature made from at least one portion of the information (*see* Office Action mailed July 13, 2007, page 5).

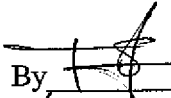
In view of the above, it is clear that the amended independent claims are patentable over Boucher, Brotz, Lambert, and Mattis whether considered separately or in combination. Thus, amended independent claims 1 and 11 are patentable over Boucher, Brotz, Lambert, and Mattis. Dependent claims 6, 9, and 10 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/040001).

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Respectfully submitted,

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